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May 20, 2008

The Honorable Theodore H. Katz
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1368

**RE: Abrams v. John Glenn
07 CV 7861 (JGK)**

Dear Magistrate Judge Katz:

I represent the plaintiff in the above referenced matter. I am writing to Your Honor in the capacity of making a motion for contempt. I last wrote to Your Honor on April 17, 2008 and outlined plaintiff's plan for discovery. On April 24, 2008 the Court ordered that discovery be completed by July 21, 2008. On May 7, 2008 at 9:28 a.m. a subpoena (attached hereto) was served upon the defendant wherein the defendant was commanded to produce a list of New York City residents and financial records for net worth. This information is necessary for plaintiff to make a motion for class certification. The subpoena was returnable at my office on even date at 11:00 a.m. No representative from the defendant appeared at my office.

Therefore, plaintiff requests that the Court find the defendant in contempt of the subpoena, order the defendant to produce what is set forth in the subpoena with Court imposed consequences for failure to comply.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,



Adam J. Fishbein

Cc: John Glenn Associates, Inc.

AO88 (Rev. 12/07) Subpoena in a Civil Case

Issued by the

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SYLVIA ABRAMS

SUBPOENA IN A CIVIL CASE

V.

JOHN GLENN ASSOCIATES INC.

Case Number:¹07 CV 7861
(JGK)

TO: Keeper of Records

55 HERRICKS ROAD

NOWITIDE PARK, NY 11040-5340

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

LIST OF ALL NEW YORK CITY RESIDENTS, INCLUDING ADDRESSES, WHO RECEIVED THE SAME LETTER AS PLAINTIFF FROM 9/6/06 TO 9/6/07. ALL FINANCIAL RECORDS INCLUDING TAX RETURNS THAT SHOW NET

PLACE 483 CHESTNUT ST. DATE AND TIME 5/20/08 11:00 AM WORTH-1

Adam J. FISHBEN, P.L. CEDARHURST, NY 11516

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Adam J. Fishben - ATT. FOR PLAINTIFF

5/2/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Adam J. FISHBEN, 483 CHESTNUT ST. 516-791-4400

CEDARHURST NY 11516

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AFFIDAVIT OF SERVICE

23201
FISHBEIN-

Index No.
Date filed
File No.

07 CV 7861 (JGR)

US SOUTHERN DISTRICT COURT, COUNTY OF NEW YORK

SYLVIA ABRAMS

Plaintiff(s)

against

JOHN GLENN ASSOCIATES, INC. ATTN: KEEPER OF RECORDS

Defendant(s)

State of New York, County of Nassau

SS:

WESLEY MORRISSEY being duly sworn, deposes and says: that deponent is not a party to this action,
is over 18 years of age and resides at BALDWIN NY

That on 5/7/08 at 9:28 AM at PLACE OF BUS. at
55 HERRICKS ROAD
NEW HYDE PARK NY 11040
deponent served the within
SUBPOENA IN A CIVIL CASE

on JOHN GLENN ASSOCIATES, INC. ATTN: KEEPER OF RECORDS
(Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner;

☒ CORPORATION

by delivering to and leaving with
ROBERT 'DOE' (REFUSED LAST NAME)
of said corporation a true copy each thereof, deponent further knew the said individual to be
authorized to accept on behalf of the corporation.

☒ APPROXIMATE DESCRIPTION

SEX	COLOR	HAIR	HEIGHT	WEIGHT	AGE	OTHER
MALE	WHITE	GREY	6'1"	225	45	

Sworn to before me on 5/7/08

SHAUL HORAN
Notary Public, State of New York
No. 01HO6108246
Qualified in Nassau County
Commission Expires 04/12/2012

WESLEY MORRISSEY
1248815

ALERT PROCESS SERVICE AGENCY, 185 Willis Avenue, Mineola, NY 11501 (516) 741-4353

P. 001

FAX: 516-294-4729

MAY-20-2008 TUE 02:03 PM ALERT PROCESS SVC